

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRET ROBERT OSBORN, MICHAEL  
PRAFF, KATHLEEN ANN PRAFF, and  
MARTY GAYLE OSBORN, on behalf of  
themselves, the general public, and all others  
similarly situated,

Plaintiffs,

v.

EMC CORPORATION, and Does 1 through  
50,

Defendant.

No. C 04-00336 JSW

**NOTICE OF TENTATIVE  
RULING AND QUESTIONS**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD, PLEASE TAKE  
NOTICE OF THE FOLLOWING **TENTATIVE** RULING AND QUESTIONS FOR THE  
HEARING SCHEDULED ON APRIL 28, 2006:

The Court **tentatively GRANTS** the parties' joint motion for final approval of class  
action settlement regarding "lease claims." The Court has reviewed the parties' memoranda of  
points and authorities and, thus, does not wish to hear the parties reargue matters addressed in  
those pleadings. If the parties intend to rely on authorities not cited in their briefs, they are  
**ORDERED** to notify the Court and opposing counsel of these authorities reasonably in advance  
of the hearing and to make copies available at the hearing. If the parties submit such additional  
authorities, they are **ORDERED** to submit the citations to the authorities only, without argument

1 or additional briefing. *Cf.* Civ. L.R. 7-3(d). The parties will be given the opportunity at oral  
2 argument to explain their reliance on such authority.

3 The parties shall have fifteen minutes to address the following questions:

- 4 (1) Is there anyone present who objects to the proposed settlement or who has a dispute  
5 regarding their share of the Net Settlement Amount?
- 6 (2) Have the parties or A.B. Data Class Action Support Services ("A.B. Data") received any  
7 objections or disputes regarding class members' share of the settlement amount since  
8 March 10, 2006, the date of the Declaration by Anya Verkhovskaya?
- 9 (3) Ms. Verkhovskaya states in her declaration that nine Notice Booklets were initially  
10 returned to A.B. Data as undeliverable and that A.B. Data conducted a search for these  
11 class members' addresses and subsequently mailed Notice Booklets to these updated  
12 addresses. When were these Notice Booklets returned as undeliverable, and when did  
13 A.B. Data mail new Notice Booklets to the updated addresses?
- 14 (4) Do the parties have anything further to add?

15 **IT IS SO ORDERED.**

16 Dated: April 26, 2006

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18 JEFFREY S. WHITE  
19 UNITED STATES DISTRICT JUDGE  
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